

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LEXINGTON MSA LIMITED)
PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT AN ADDITIONAL CELL) CASE NO. 95-254
SITE IN LEXINGTON, KENTUCKY FOR THE)
PROVISION OF DOMESTIC PUBLIC CELLULAR)
RADIO TELECOMMUNICATIONS SERVICE TO THE)
PUBLIC IN THE LEXINGTON MSA)

O R D E R

On June 30, 1995, the Commission received the attached letter from the Lexington-Fayette Urban County Government ("LFUCG") regarding the proposed cellular telecommunications facility to be located at 479-B Haggard Lane, Lexington, Fayette County, Kentucky.

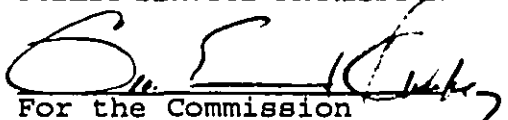
IT IS THEREFORE ORDERED that:

1. Lexington MSA Limited Partnership ("Lexington MSA") shall respond to the LFUCG by certified letter, within 10 days of the date of this Order.

2. Lexington MSA shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 10th day of July, 1995.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director



Lexington-Fayette Urban County Government

Department of Housing & Community Development • Division of Planning • Planning Services

RECEIVED
JUN 29 1995

PUBLIC SERVICE
COMMISSION

June 27, 1995

Don Mills, Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RECEIVED

JUN 30 1995

GENERAL COUNSEL

RE: PSC Case Number 95-254

Dear Mr. Mills:

The Lexington-Fayette Urban County Government (hereinafter referred to as LFUCG) wishes to state its concerns regarding the above-captioned application for a cellular tower and equipment shelter for property located at 479-B Haggard Lane. The information provided to us by Lexington MSA limited partnership is not detailed enough for us to properly determine the potential impact of the tower upon the existing and planned development on this site and the surrounding properties. I specifically request that the following be provided for our review:

1. A copy of the application filed with the PSC; in particular, the detailed plan (to scale) showing how the proposed tower would be sited in relation to the existing and planned development (buildings, parking, etc.) on this property.

This information is needed for two reasons. First it is needed in order that the LFUCG may assess how the proposal would comply with our adopted guidelines for review of cellular tower applications.

Second, the property is under a development plan restriction; ie., before any building permits are granted (if the site is approved by the PSC), the owner will be required to file an amended development plan for consideration by the Planning Commission under the provisions of Article 21 of our Zoning Ordinance. Review of such site details at this stage will identify potential issues related to additional development of this property early in the process. For example, the approved plan shows only one surplus parking space in excess of the required minimum. The location of a tower on the property might cause a compliance problem.

2. Proposals as to how the site will be subdivided for lease purposes.

It is assumed that an amendment to the existing subdivision plat of the property will be required for the purpose of leasing of some portion of the property to Lexington MSA Limited Partnership. Such plats must be submitted for Planning Commission approval under the provisions of our Land Subdivision Regulations.

Review of the proposed property division at this stage will identify and resolve any potential issues related to replatting of this property early in this process.

The LFUCG will review the requested information in the hope that any concerns can be addressed short of requesting intervention. I am also sending a copy of this letter to Sam McNamara, attorney for Lexington MSA Limited Partnership.

The Lexington-Fayette Urban County Government looks forward to a response from the applicant and/or the Public Service Commission on these requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher D. King", is written over the printed name and title.

Christopher D. King
Deputy Planning Manager
Chairman, LFUCG Cellular Tower Committee

c: Mayor Pam Miller
Cellular Tower Committee Members
Sam G. McNamara